



## Memorandum

To: **Honorable Mayor Seei and the Frisco City Council**  
Thru: **George Purefoy, City Manager**  
From: **Jason Gray, Assistant to the City Manager**  
CC: Curtis Hawk, Scott Young, Pippa Couvillion  
Date: 2/16/2001  
Re: Commercial And Multifamily Recycling Ordinance

**Action Requested:** The City Council requested staff to develop an ordinance regulating refuse and recycling facilities at commercial and multifamily properties within the City.

**Background Information:** This is an issue that has been on our working table for quite some time. Upon our efforts to begin offering commercial recycling, it was brought to our attention that without the space required for recycling bin, most commercial and multifamily units were not interested. We have been working on a voluntary level for several months with all new development and encouraging them to provide for facilities. In our experience, most have been willing as long as we contacted them early enough in the process.

This proposed ordinance is intended to require that the property owner provide enclosure space designed for recycling at the Site Plan stage of development. It should be noted that this Ordinance does not require on-site recycling. In my opinion, whether a property recycles or not should be an individual choice-not a mandate. I feel that by requiring the space for recycling facilities, we will see a significant increase in the percentage of properties that use the option.

If a property attempts to develop without meeting the provisions of this proposed ordinance, the City is authorized to withhold a Certificate of Occupancy (CO), and/or fine the property owner up to \$2000.00 per day for non-compliance.

**Board Review/Citizen Input:** None.

**Alternatives:** There are several alternatives that the staff has considered regarding how to draft a commercial and multifamily ordinance. We began with the thought process with trying to figure out how many facilities will be needed. After consideration, we abandoned this method and decided that so long as sufficient facilities are provided for refuse and recycling, as judged by whether or not the number of facilities provided actually handle the amount of refuse and recycling on the property, that we would be satisfied. With this method, we allow the property owner to decide what types of service they need and desire, while holding them accountable if it does not work.

**Financial Considerations:** The cost to the City is limited to the administration of the program. By placing this item on the checklist necessary to obtain a CO, I feel that cost is limited. By placing the requirement of the construction of recycling facilities at the time of Site Plan, I feel that the cost to the property owner is reasonably limited as well. It is much more cost effective to build these facilities at the time of initial construction rather than at the time to retrofit. Additionally, I feel that most properties will realize a total waste hauling savings through the use of recycling.

**Legal Review:** This ordinance has been reviewed and approved as to form by the Office of the City Attorney.

**Supporting Documents:** None.

**Staff Recommendation:** This ordinance is recommended for approval by staff as written.

Thank you for your consideration of this item, if I can be of any support, please contact me at 972-335-5551 x125 or by email at [atcm@ci.frisco.tx.us](mailto:atcm@ci.frisco.tx.us).

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS REGULATING ON-SITE COMMERCIAL AND MULTIFAMILY RECYCLING IN THE CITY OF FRISCO, TEXAS WITH CERTAIN EXCEPTS; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE, AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council") has investigated and determined that recycling in commercial and multi-family properties within the corporate limits of the City of Frisco (the "City") will be advantageous and beneficial to the citizens of the City of Frisco, Texas; and

WHEREAS, the City Council has investigated and determined that recycling in commercial and multi-family properties will significantly reduce the total amount of waste generated by corporate and multi-family citizens within the City; and

WHEREAS, The City Council has investigated and determined that recycling in commercial and multi-family properties will help the City to meet Federal and State waste reduction goals and will help protect the public health and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS;

**SECTION 1 – FINDINGS INCORPORATED**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2 – PURPOSE**

The City Council hereby declares its purpose in enacting this Ordinance is to enhance and expand existing environmental and solid waste programs for the health and welfare of the City and its citizens and to help meet Federal and State waste reduction goals.

**SECTION 3 – DEFINITIONS**

Doublewide Enclosure - A Refuse Enclosure or Recycling Enclosure with a Net Enclosure Opening of at least twenty four feet (24') but not more than thirty-five feet, eleven inches (35' 11").

Net Enclosure Opening - the measured distance between inside walls of a Refuse Enclosure or Recycling Enclosure. Gates, hinges, mounting hardware, and doorstops shall not infringe upon the minimum Net Enclosure Opening.

Recycling Container – Steel or metallic bin of various sizes used for the collection and short-term storage of Recyclable Materials.

Recycling Enclosure - A masonry enclosure with a Net Enclosure Opening of at least twelve feet (12') intended to house a Recycling Container. All Recycling Enclosures must have a sign affixed stating "Recycling Facility" in three inch (3") letters.

Recyclable Material – Re-useable commodity including, but not limited to:

- Plastics numbered one (1) through five (5) and seven (7).

- Colored and white (clear) glass.
- Aluminum and steel cans.
- Newspaper and newsprint.
- Magazines.
- Telephone books.
- White and mixed office paper.
- Corrugated cardboard.

Refuse Dumpster – Steel or metallic bin of various sizes used for the collection and short-term storage of trash and/or refuse.

Refuse Enclosure – A masonry enclosure with a Net Enclosure Opening of at least twelve feet (12') intended to house a Refuse Dumpster. All Refuse Enclosures must have a sign affixed stating "Refuse Facility" in three inch (3") letters.

Singlewide Enclosure – A Refuse Enclosure or Recycling Enclosure with a Net Enclosure Opening of at least twelve feet (12') but not more than twenty-three feet, eleven inches (23' 11").

Triplewide Enclosure - A Refuse Enclosure or Recycling Enclosure with a Net Enclosure Opening of at least thirty six feet (36') but not more than forty-five feet, eleven inches (45' 11").

Miscellaneous: All zoning classifications as defined in City of Frisco Ordinance No. 00-11-01, as amended, in their entirety apply to all references to zoning classifications within this Ordinance.

#### **SECTION 4 – COMMERCIAL PROPERTIES REQUIRED ENCLOSURE CONSTRUCTION**

- A. All Commercial properties receiving an approved Site Plan after the Effective Date of this Ordinance and meeting any one or more of the following criteria shall be required to construct at least one (1) Singlewide Refuse Enclosure and one (1) Singlewide Recycling Enclosure:
  - A business having twenty (20) or more employees.
  - A Commercial property having in excess of two thousand (2000) square feet of contiguous HVAC space.
  - A multi-tenant building with centralized refuse collection.
- B. Refuse Enclosure(s) and Recycling Enclosure(s) may be combined into one (1) Doublewide or Triplewide Enclosure.
- C. All Refuse Enclosures and Recycling Enclosures at Multi-Family properties shall be screened from view on at least three (3) sides by a masonry wall not less than six feet (6') and not more than ten feet (10') in height, or by an enclosure within a building. All trash compactor unit enclosures shall be screened from view on at least three (3) sides by a masonry wall not less than eight feet (8') and not more than ten feet (10') in height, or by an enclosure within a building.

- D. Exterior design of all Refuse Enclosure(s) and Recycling Enclosure(s) shall comply with all existing requirements of the City.
- E. Each Refuse Enclosure and/or Recycling Enclosure shall be located a minimum of one hundred feet (100') from any adjacent residential district boundary lines. Trash compactors shall be located a minimum of one hundred fifty feet (150') from any adjacent residential district boundary lines.
- F. Each Refuse Enclosure and/or Recycling Enclosure shall be located so as to provide safe and convenient servicing by refuse and/or recycling agencies using a fifteen foot (15') inside turning radius within a thirty foot (30') approach. The openings or gates of all enclosures are to be angled no more than thirty degrees (30°) from the center line of the solid waste collection route. Curbs shall not interfere with the collection route of refuse and/or recycling vehicles.
- G. All Refuse Enclosures and Recycling Enclosures shall be located a minimum of thirty feet (30') from any and all traffic and/or pedestrian entrances and exits to the property.
- H. Refuse Dumpsters and Recycling Containers must be able to be lifted overhead without obstructions as set forth herein. Driveway access is required to have a minimum overhead clearance of fourteen feet (14'). Refuse Enclosures and Recycling Enclosures are required to have a minimum overhead clearance of twenty-five feet (25').
- I. Gate stops are required on all gates so as to hold back gate doors during servicing of a Refuse Dumpster and/or Recycling Container.

## **SECTION 5 – MULTI-FAMILY PROPERTIES REQUIRED ENCLOSURE CONSTRUCTION**

- A. All Multi-Family properties receiving an approved Site Plan after the Effective Date of this Ordinance and consisting of thirty (30) or more total living units shall construct at least one (1) Triplewide Recycling Enclosure in addition to constructing appropriate Refuse Enclosures.
- B. Each Refuse Enclosure and/or Recycling Enclosure shall be located a minimum of fifty feet (50') from any residential apartment building and a minimum of one hundred feet (100') from any adjacent residential district boundary lines. Trash compactors shall be located a minimum of fifty feet (50') from any residential apartment building and one hundred fifty feet (150') from any adjacent residential district boundary lines.
- C. All Refuse Enclosures and Recycling Enclosures at Multi-Family properties shall be screened from view on at least three (3) sides by a masonry wall not less than six feet (6') and not more than ten feet (10') in height, or by an enclosure within a building. All trash compactor unit enclosures shall be screened from view on at least three (3) sides by a masonry wall not less than eight feet (8') and not more than ten feet (10') in height, or by an enclosure within a building. All Refuse Enclosures and Recycling Enclosures at Multi-Family properties shall have an evergreen screen around the perimeter provided and maintained in a manner to satisfy the City.

- D. Exterior design of all Refuse Enclosure(s) and Recycling Enclosure(s) shall comply with all existing requirements of the City.
- E. Each Refuse Enclosure and/or Recycling Enclosure shall be located so as to provide safe and convenient servicing by refuse and/or recycling agencies using a fifteen foot (15') inside turning radius within a thirty foot (30') approach. The openings or gates of all enclosures are to be angled no more than thirty degrees (30°) from the center line of the solid waste collection route. Curbs shall not interfere with the collection route of refuse and/or recycling vehicles.
- F. Refuse Dumpsters and Recycling Containers must be able to be lifted overhead without obstructions as set forth herein. Driveway access is required to have a minimum overhead clearance of fourteen feet (14'). Refuse Enclosures and Recycling Enclosures are required to have a minimum overhead clearance of twenty-five feet (25').
- G. Gate stops are required on all gates so as to hold back gate doors during servicing of Refuse Dumpster and/or Recycling Container.

#### **SECTION 7 – ADMINISTRATION OF PROGRAM**

Administration of this Ordinance shall be performed by the City Manager of the City, or his designee. The City shall provide assistance in developing a Refuse and Recycling plan for any property subject to this Ordinance within thirty (30) days of receiving a written request from the property owner or his representative. The City may deny the issuance of a Certificate of Occupancy if the property does not conform with the specification and requirements of this Ordinance.

#### **SECTION 8 – PENALTY PROVISION**

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

#### **SECTION 9 – SAVINGS/REPEALING CLAUSE**

All provisions of any City ordinances in conflict herewith are repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for the violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

#### **SECTION 10 – SEVERABILITY**

Should any part or portion of this Ordinance, or the use created herein, be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions and those provided for within this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each part or portion hereof irrespective of the fact that any part or portion be declared unconstitutional or invalid.

**SECTION 11 – EFFECTIVE DATE**

This Ordinance shall become effective after immediately upon its adoption and publication required by the City Charter and by law. The Ordinance shall apply only to properties which submit a Site Plan after this Effective Date.

READ, CONSIDERED, PASSED AND APPROVED by the City of Frisco, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
KATHLEEN A. SEEI, Mayor

**ATTEST:**

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NAN PARKER, City Secretary

**APPROVED AS TO FORM:**

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ABERNATHY, ROEDER, BOYD, & JOPLIN  
City Attorneys